

REMARKS

In response to the non-final office action dated November 4, 2004, applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-11, 13-16, 21-24, 26, 27 and 29-37 were rejected in the office action. Claim 38 has been added. No claims have been amended or canceled. Therefore, upon entry of this response, claims 1-11, 13-16, 21-24, 26, 27 and 29-38 will be pending in the application.

The present invention contemplates, in one embodiment, a system for enabling call scheduling on an automated telephone network consisting of a service switching point (SSP), a service node (SN), a service control point (SCP) and a telephone station associated with a scheduling party. The call schedule information, which is entered by the scheduling party on the telephone station, contains time, date, telephone number to be called, and a telephone number for the confirmation call. The service switching point (SSP), service node (SN) and service control point (SCP) interact to place the confirmation call and the scheduled call based on the received call schedule information. The confirmation call is placed to an alternate telephone number that may be identified by the scheduling party.

Claim 38 has been added to claim the feature of accepting and scheduling call information.

Claims 1-11, 13-16, 21-24, 26, 27 and 29-37 stand rejected under 35 U.S.C.103(a) as being unpatentable over U.S. Patent No. 5,848,132 to Morley *et al.* ("Morley") in view of U.S. Patent No. 5,329,578 to Brennan *et al.* ("Brennan").

Morley teaches a system that prompts a scheduling party to schedule a call to a particular telephone number. (*Morley* - Column 4, lines 14-15). In addition, Morley allows for placing a confirmation call. (*Morley* - Column 4, lines 34-38). However, Morley's location of the confirmation call is based on the "customer['s] calling line identity," and not an alternate telephone station as recited in the present claims. (*Morley* - Column 3, lines 57-60) (emphasis added).

The office action acknowledges that "Morley does not specifically teach said service control point (SCP) and said service node (SN) place a confirmation call to an alternate telephone station associated with said scheduling party." (*Office Action dated November 4,*

2004 at p. 3). However, the office action further contends that the limited teaching of Morley is overcome by Brennan's "routing calls to an alternate telephone number." (*Office Action dated November 4, 2004* at p. 3). In particular, the office action suggests that Brennan teaches routing a call "based on a routing schedule, which specified by the subscriber that is based on a current time of day (see col. 6, lines 50-68, col. 7, lines 1-15, and table 3.0 in col. 7)." (*Office Action dated November 4, 2004* at p. 3). The office action also suggests that Brennan "teaches routing calls using a sequence of destinations (the sequence of destinations may reads on alternate telephone, see table 3.0 in col. 7 such as Home Car, Cottage)." (*Office Action dated November 4, 2004* at p. 3). With all due respect to the contentions in the office action, applicants respectfully disagree.

The office action's citation to Brennan provides nothing more than support for the notion that a received call may be forwarded to different locations. However, both Brennan and Morley teach away from the claimed feature of placing a scheduling confirmation call to an alternate telephone station associated with the scheduling party. As acknowledged by the office action, Morley teaches placing the confirmation call solely to the customer calling line. As such, Morely, the more recent of the two references, by focusing on the much easier solution of merely contacting the calling line from which the confirmation is being scheduled, clearly teaches away from placing the confirmation call to any other calling line.

Moreover, Brennan also teaches away from the presently claimed features by teaching merely that incoming voice calls may be forwarded to various locations. However, Brennan's teaching regarding incoming voice calls teaches away from the forwarding of other types of calls, like confirmation calls related to call scheduling. Certainly, call forwarding has been available even longer than the Brennan reference. Yet, no where in the record is a reference that provides the forwarding of a confirmation call related to call scheduling. Instead, both references equally teach away from such a feature.

In addition, with all due respect to the contentions in the office action, applicants certainly acknowledge that Brennan merely teaches that incoming calls may be forwarded to various locations. However, applicants respectfully assert that the combination of Morley and Brennan is not, by itself, sufficient to establish a prima facie case of obviousness. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

MPEP 2143. The office action argues that merely because the references can be modified, the combination of the references renders the instant claims obvious.

The office action has not pointed to any suggestion in the prior art regarding a desirability to modify and combine the references. The office action states that it would have been obvious to modify Morley by routing calls to an alternate telephone number as taught by Brennan because it would “enhance the chances of reaching the scheduling party anywhere in order to confirm the conference information with him/her for example.” (*Office Action dated November 4, 2004* at p. 4).

The quoted statement in the office action may be true. However, there is no suggestion in either Morley or Brennan to indicate that it would be desirable to modify Morley by combining it with Brennan to meet the features recited in the present invention. Moreover, the office action has not pointed to any suggestion in either Morley, Brennan or any other prior art reference to support the alleged asserted desirability to modify and combine the references.

Applicants assert that without support in any prior art for the desirability to combine Morley and Brennan to meet the presently claimed features, the office action’s assertion of obviousness amounts to nothing more than impermissible hindsight using the applicants’ present invention. While assuming that impermissible hindsight reconstruction may lead to such a construction, 35 U.S.C. § 103 requires a higher standard. 35 U.S.C. § 103 requires a specific suggestion or motivation suggested in the prior art to modify the reference or to combine reference teachings. *MPEP 2143*. Neither Morley nor Brennan provide specific guidance that would lead one of ordinary skill in the art to combine the references and obtain the present invention. Specifically, Brennan simply is directed to the forwarding of received telephone calls to one of a list of predetermined telephone numbers. To this end, Brennan notes that a user enters a series of forwarding information, including times associated with certain designated telephone numbers. In the context of the present invention, which is directed to allowing a confirmation call to be placed at various locations, Brennan’s teaching is no more relevant than to indicate that incoming calls may be forwarded. Brennan does not teach that such call routing may be associated with a confirmation call for a call scheduling system.

Likewise, as acknowledged by the office action, Morley does not teach or even hint at the use of an alternate telephone number for its call scheduling confirmation call.

Therefore, neither Morley nor Brennan provide a motivation to combine with each other to arrive at the presently claimed features. In fact, the only motivation to combine in the present record is the motivation provided by the applicant's specification itself, which is forbidden to be attributable to the prior art under current law.

Accordingly, Applicant respectfully asserts that independent claims 1, 16 and 26 are distinguished over the teachings of Morley in view of Brennan for at least the reasons given above and that the 35 U.S.C. § 103 rejection should be withdrawn. Finally, because claims 2-11, 13-15, 21-24, 27 and 29 depend from independent claims 1, 16 and 26, the rejections of these dependent claims cannot stand for the same reasons noted above by Applicant.

Also, independent claim 38 has been added to claim the feature of accepting and scheduling call information. In particular, claim 38 describes how a check is performed to determine if a call has been scheduled. If call scheduling information is not received, then the method waits for call scheduling information to be entered. Once the call is scheduled, a call schedule service identifier (CSSI) is received by the SSP and passed along to the SCP SPA where it is verified to ensure that the submitted scheduled call is being submitted by a telephone interface authorized to schedule calls. If the telephone interface is authorized to schedule calls with the call scheduling service, the SSP accepts information from telephone interface indicative of calls to be scheduled.

The addition of claim 38 does not constitute new matter. Support for new claim 38 is found throughout the present specification, and particularly at page 9, lines 7-22.


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PATENT

CONCLUSION

In view of the foregoing, applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia, at (215) 564,8946, to discuss resolution of any remaining issues.

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